

REMARKS

New claim 61 addresses what is apparently the concern of the Office with regard to the subject matter of the claims. Applicants thought that they had made clear in the previous response that because side effects were being treated, it necessarily follows that this is during the course of treatment. The previous amendment was for clarification, not with respect to trying to claim an additional or different invention. Indeed, it took applicants quite some time to figure out what it was that the Office was objecting to as being "new."

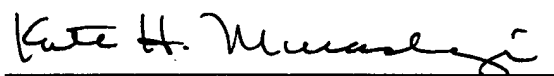
Respectfully, applicants believe that the subject matter of claim 56 and new claim 61 is exactly the same and that claim 61 simply makes the invention of claim 56 more accurately stated. Applicants respectfully request that prosecution be advanced in this case by acknowledging the explanation of the amendment previously made and examining either claim 56 or claim 61 on the merits. As clarified, the invention differs from the cited art in that the treatment is to address a side effect, not to treat the tumor itself.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 204372000901.

Respectfully submitted,

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